
Licensing Act 2003 Sub Committee

8 December 2022
*(postponed from 12
September 2022)*

Report of the Director of Environment, Transport and Planning

**Section 18(3) (a) Application for a premises licence for 10 - 12
George Hudson Street, York, YO1 6LP**

Summary

1. This report seeks Members' determination of an application for the grant of a premises licence, which has been made under the Licensing Act 2003.
2. Application reference number: CYC- 070840
3. Name of applicant: Mr Kheng Chooi Koay
4. Type of authorisation applied for: Grant of Premises Licence
5. Summary of application:

The proposal is to allow for the provision of the following activities:

Proposed Activity	Timings
Late Night Refreshment (indoors)	23:00 to 00:00 Fri & Sat
Sale of alcohol (on & off sales)	11:00 to 23:00 Sun to Thurs 11:00 to 00:00 Fri & Sat
Opening times	11:00 to 23:30 Sun to Thurs 11:00 to 00:30 Fri & Sat

Background

6. A copy of the application can be found at Annex 1, including a plan(s) of the premises and a copy of conditions proposed by the applicant.

7. The premises is described in the application as a ground floor restaurant within a larger building.
8. An overview of the circumstances in which entertainment activities are not licensable can be found at Annex 2.

Promotion of Licensing Objectives

8. The operating schedule submitted by the applicant shows that the licensing objectives would be met as follows:

9. General

The applicant accepts that there have been problems with regard to the management/running of these premises in the past but he was not involved with those practises and wishes to start afresh now. This is a family restaurant that also offers takeaway facilities and the applicant wants to make sure that all four licensing objectives are considered at all times so that there is no repetition of some of the past problems. He is very aware that this property is within the red zone of the cumulative impact area/zone. The applicant is putting in place proper structures to make the business work successfully going forward – including proper training and management – and with a new management team in place. Previously named persons will not be involved.

The applicant will also ensure that the property is Covid compliant at all times and in all respects and training will be given to ensure this.

The applicant detailed proposed conditions for the licence application, this document (numbered 1 – 21) is attached.

10. The Prevention of Crime and Disorder

The applicant is happy to have full modern CCTV coverage and to accept reasonable conditions for the storage, copying and ease of viewing. It will include all areas to which the public have access for licensed activity and where the public can consume alcohol and will display the correct date and time. The applicant takes a zero tolerance approach to crime and disorder, he will refuse to serve intoxicated patrons and involve the police if required.

Documented staff training will be given regarding the retail sale of alcohol, the conditions attached to the premises licence and opening/operating hours of the venue, such training will be refreshed

and documented. Training records will be kept and will be accessible upon request by any responsible authority.

Rigorous steps will be taken to check employees and ensure everyone involved in any aspect of running the business has proper immigration clearance and the right to work in the UK. No criminal activity of any kind will be tolerated. Full written employment records will be kept and will be available for inspection.

11. Public Safety

The applicant will accept a capacity limit to be put in place and for door supervisors to be employed at applicable times.

Any previous instances of unauthorised sale of alcohol have been addressed and rigorous standards will be maintained going forward. Means of escape will be unlocked, fire systems are being updated and no staff will live/sleep at the property.

12. The Prevention of Public Nuisance

Drinking glasses of any type will not be allowed to enter or leave the premises whilst under customers care. A refusals register and an incident report register will be kept. Prominent, clear and legible notices will be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.

13. The Protection of Children From Harm

There will be a challenge 25 policy in place. The following forms of identification will be acceptable – photocard driving licence, valid passport, military ID, PASS accredited proof of age card and other form of ID agreed with North Yorkshire Police. The applicant wishes the restaurant to continue as a family friendly property and will do everything he can to make sure that this happens and that children are not exposed to any risk of crime, disorder, lack of safety or public nuisance.

The applicant has produced an additional document to accompany the operating schedule which appears in full at Annex 1.

Special Policy Consideration

14. This premises is located within the cumulative impact assessment (CIA) area approved by full council on 24 March 2022. The assessment can be found at Annex 3. Section 9 of the Statement of Licensing Policy which deals with Cumulative Impact can be found at Annex 4.

Consultation

15. Consultation was carried out by the applicant in accordance with s13, and s17 (5) of the Act and Regulation 42, Parts 2 and 4 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005, which concern the displaying of a notice on the premises and an advertisement in a local paper giving details of the application and serving a copy of the application on all responsible authorities. The applicant complied with all statutory requirements. In addition the relevant ward councillors and/or parish council were notified by way of register.
16. All procedural aspects of this application have been complied with.

Summary of Representations made by Responsible Authorities

17. North Yorkshire Police have made a representation on the grounds that the all four licensing objectives will be undermined by the granting of this application. Furthermore the applicant fails to demonstrate how this application would not add to the cumulative impact of licensed premises already experienced within the CIA especially in the Amber Zone. Furthermore North Yorkshire Police object to the appointment of Mr Koay as the proposed Designated Premises Supervisor.
18. The Police representation is attached at Annex 5.
19. The Licensing Authority have made a representation on the grounds that the licensing objectives, prevention of crime and disorder and prevention of public nuisance will be undermined by the granting of this application. Furthermore the applicant fails to demonstrate how this application would not add to the cumulative impact of licensed premises already experienced within the CIA especially the Amber Zone.
20. The Licensing authority representation is attached at Annex 6.

Summary of Representations made by Other Parties

21. There have been no other representations received from other persons.
22. A map showing the general area around the venue is attached at Annex 7.
23. The mandatory conditions that will be attached to this licence if granted (if they apply) can be found at Annex 8. The Legislation and Policy considerations can be found at Annex 9.

Options

24. By virtue of s18(4) of the Act, the Committee have the following options available to them in making their decision: -
25. Option 1: Grant the licence in the terms applied for.
26. Option 2: Grant the licence with modified/additional conditions imposed by the licensing committee.
27. Option 3: Grant the licence to exclude any of the licensable activities to which the application relates and modify/add conditions accordingly.
28. Option 4: Refuse to specify a person on the licence as premises supervisor.
29. Option 5: Reject the application.

Analysis

30. The following could be the result of any decision made this Sub Committee:-
31. Option 1: This decision could be appealed at Magistrates Court by any of the representors.
32. Option 2: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
33. Option 3: This decision could be appealed at Magistrates Court by the applicant or any of the representors.
34. Option 4: This decision could be appealed at Magistrates Court by the applicant.
35. Option 5: This decision could be appealed at Magistrates Court by the applicant.

Council Plan

36. The Licensing Act 2003 has four objectives the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
37. By taking the statutory requirements of the Licensing Act into consideration, as well as the four licensing objectives when determining licensing applications the Council are supporting the new and existing licence trade, as well as local residents and businesses. The functions support the Council's Plan of safe communities and culture for all, and a good quality of life for everyone.

Implications

38.
 - **Financial** - N/A
 - **Human Resources (HR)** – N/A
 - **Equalities** – N/A
 - **Legal** – This decision could be appealed at Magistrates Court by the applicant or any of the representors.
 - **Crime and Disorder** - The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the city.
 - **Information Technology (IT)** – N/A
 - **Property** – N/A
 - **Other** – none

Risk Management

39. All Members of the Licensing Act 2003 Committee have received full training on the Act and the regulations governing hearings. They are aware that any decision made which is unreasonable or unlawful

could be open to challenge resulting in loss of image, reputation and potential financial penalty.

40. The report details the options available to the panel in determining the application and recommends that a decision be reached. There are no risks involved with this recommendation.

Recommendations

41. Members determine the application.
Reason: To address the representations received as required by the Licensing Act 2003.

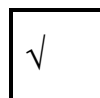
Contact Details

Author:
Lesley Cooke
Licensing Manager

Chief Officer Responsible for the report:
James Gilchrist, Director Environment,
Transport and Planning.

Tel No. 01904 551515

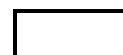
**Report
Approved**



27.06.2022

Specialist Implications Officer(s)
Head of Legal & Democratic Services
Ext: 1004

Wards Affected: Micklegate Ward



For further information please contact the author of the report

Background Papers:

- Annex 1** - Application form & Plans
- Annex 2** - Overview of Circumstances in which Entertainment Activities are not Licensable
- Annex 3** - Cumulative Impact
- Annex 4** - Licensing Policy Annex
- Annex 5** - North Yorkshire Police Representation
- Annex 6** - Licensing Authority Representation
- Annex 7** - Map of area
- Annex 8** - Mandatory Conditions
- Annex 9** - Legislation and Policy Considerations

